



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,834	02/22/2002	Herman Herman	TELE 49074	9589

7590 01/09/2004

Timothy D. Broms
Pietragallo, Bosick & Gordon
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219

EXAMINER

SCHWARTZ, JORDAN MARC

ART UNIT	PAPER NUMBER
----------	--------------

2873

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/080,834	HERMAN ET AL.	
	Examiner	Art Unit	
	Jordan M. Schwartz	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 59-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-58 in the Response received November 18, 2003 is acknowledged.

Claim Rejections - 35 USC § 112

Claims 1, 12, 25 and 36 (and their respective dependent claims 2-11, 13-24, 26-35, and 37-58) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, with respect to independent claims 1, 12, 25, and 36, applicant has not described what the claimed first angle represents, or how to determine the upper line that determines this angle. For example, with respect to the claimed second angle (as in Figure 11 and claim 6) the second angle is apparently formed between a line that represents the plane perpendicular to the axis that goes through the point at the end of the mirror and a line tangent to the mirror that goes through this point (Figure 11, angle "D"). These two lines apparently form the claimed angle "D". However, with respect to the claimed first angle, while applicant has described one line to determine the angle i.e. a line that represents the plane perpendicular to the axis that goes through the point of intersection of the axis and the mirror (Figure 9, the lower line of angle "C"), applicant has not set forth how to determine the second line for forming this angle. Furthermore, applicant has not described what this first angle represents. While the second angle is

apparently an angle between a line that represents the plane perpendicular to the axis that goes through the point at the end of the mirror and a line tangent to the mirror that goes through this point (as per Figure 11), angle C is apparently a randomly drawn angle.

Claims 1, 6, 12, 17, 25, 27, 36, and 38 (and their respective dependent claims 2-5, 7-11, 13-16, 18-24, 26, 28-35, 37, and 39-58) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, with reference to claims 1, 12, 25, and 36, applicant is claiming the first angle "being determined" by a lower limit of the controlled vertical field, which renders the claim vague and indefinite. Specifically, any two values will inherently have a relationship to each other and therefore one can be considered as "being determined" from another. It is not clear if applicant means that it is determined specifically from the relationship $C = A/2$ (page 13 of the specification) or if some other meaning is intended rendering the claims vague and indefinite. If applicant means that the first angle is specifically being determined from the equation $C = A/2$ then it is suggested that this equation be claimed in the independent claims to provide the required clarity.

Specifically, with reference to claims 6, 17, 27, and 38, applicant is claiming the second angle "being determined" by an upper limit of the controlled vertical field, which renders the claim vague and indefinite. Specifically, any two values will inherently have a relationship to each other and therefore one can be considered as "being determined" from another. It is not clear if applicant means that the second angle is being formed

from the specific equation "6" on page 13 of the specification or if some other meaning is intended rendering the claims vague and indefinite. If applicant specifically means that the second angle is being determined from the equation "6" on page 13 of the specification then it is suggested that this condition be claimed in the independent claims to provide the required clarity.

Specifically, in reference to claims 6, 17, 27, and 38, applicant has described the lower line for forming the second angle but has not described the upper line for forming the angle rendering the claims vague and indefinite. From what is set forth in the specification, particularly, Figure 11, the assumed meaning is that "the surface forms a second angle ___ with respect to a second plane perpendicular to the axis at a point at the end of the mirror opposite to the point of intersection between the axis and the mirror and with respect to a line tangent to the mirror that goes through this point at the end of the mirror, the second angle ___ being determined..."

Examiner's Comments

For applicant's information, due to the 112 rejections above, a search of the prior art could not be made at this time. Specifically, if the first angle, such as angle "C" does not have specific boundaries (such as the second angle which is bounded by the line perpendicular and, as is assumed, the line tangent to the mirror), then any convex panoramic mirror will inherently have numerous angles between the mirror and a line perpendicular to the mirror and, since any convex panoramic mirror inherently has a lower limit of the field of view, then any convex panoramic mirror can be considered as "having the first angle determined by the lower limit of the field of view". Since the

Application/Control Number: 10/080,834
Art Unit: 2873

Page 5

examiner was not able to make a reasonably interpretation of the intended meaning, the prior art was not searched at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (703) 308-1286. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (703) 308-4883. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jordan M. Schwartz
Primary Examiner
Art Unit 2873
January 6, 2004